

The purpose of the City's construction component is to maintain an updated inventory of all construction projects, identify pollutant sources from construction projects, educate the construction community, implement construction site BMPs, inspect construction sites, provide proper enforcement of violations, and implement all of the requirements of the Permit as outlined in Section D.2.

3.1 Source Characterization

3.1.1 Site Inventory

Within the defined reporting period of this report, the City has compiled, maintained, and updated a watershed based inventory of all construction sites within its jurisdiction. The construction inventory for FY 2009-10 included a total of eight operating construction sites, mostly private driveways and private sewer laterals. Only two of the projects were SUSMP priority projects and they are discussed below. The City formally inspected all of these sites on a monthly basis and informally almost weekly. All of the sites during this reporting period were within the City's main watershed, Chollas Creek.

The City completed 12 minor infrastructure improvement projects during FY 2009-10. All of the projects were minor street resurfacing or pavement rehabilitation. The City has been forced to drastically decrease its street resurfacing due to current budgetary constraints.

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|--------------------------------|-----------------------|
| ❖ Hardy Drive | ❖ Loma Drive |
| ❖ Siegle Court | ❖ Circle Drive |
| ❖ Blossom Hill Drive and Court | ❖ Roosevelt Street |
| ❖ Craig Court | ❖ Edgerton Street |
| ❖ El Verde Court | ❖ Lemon Grove Ave, N |
| ❖ Olive Street | ❖ Mount Vernon Street |
| ❖ San Altos Place | |

The City defines a high priority construction site by the following guidelines:

- ❖ 50 acres or more and grading during the wet season;
- ❖ 5 acres or more and on a tributary of a 303(d) list waterway
- ❖ The City may include other sources and activities that contribute significant pollutant loads to the MS4

According to the above definition, the City had no high priority construction sites during this reporting period. However, the City had one construction site that it monitored very closely during this reporting period.

- ❖ The rehabilitation project at the City's Recreation Center, which was not a priority project and had a decrease in impervious surface area.

The City performed weekly inspections this location, during both the dry and wet seasons, to ensure the proper placement of BMPs and general site upkeep.

3.1.2 Ordinance Updates

As required by Section d.2.a of the Permit, applicable City documents and ordinances were updated in March 2008 to establish adequate legal authority to enforce applicable storm water requirements. As part of the comprehensive JURMP update completed in March 2008, the City also updated Municipal Code 8.48 Stormwater Management and Discharge Control and 18.08 Excavation and Grading. The following construction specific provisions have been made to these two sections:

- ❖ Best Management Practice requirements and general requirements applicable to all dischargers (8.48.060)
- ❖ Additional requirements for land disturbance activity (8.48.130)
- ❖ Minimum BMPs for land disturbance activity (18.08.140)
- ❖ BMP maintenance (18.08.180)
- ❖ Stormwater runoff (18.08.450)
- ❖ General Construction permit requirements (18.08.900)

3.2 Best Management Practice Requirements

The City requires that BMPs be implemented to reduce or eliminate the impact of discharges from construction site runoff primarily through its grading ordinance. The checklist available in Attachment I-5 gives a breakdown of the City's grading permit requirements.

3.2.1 BMP Requirements for Permitted Construction Sites

Through the JURMP update process completed in March 2008, the City reviewed and updated a set of minimum BMPs that must be implemented at all construction sites. Every construction site within the City's jurisdiction is required to implement general site management BMPs and erosion control BMPs to reduce, retain, and manage pollutant discharges to the MEP. During FY 2009-10, the following BMPs were required on all sites for which permits were issued:

- ❖ Erosion Control Methods for Disturbed Slopes: Vegetation Stabilization (Planting), Hydraulic Stabilization, Bonded Fiber or Stabilized Fiber Matrix, Physical Stabilization (Erosion Control Blankets);

- ❖ Sediment Control Methods for All Disturbed Flat Areas: Mulch, straw, wood chips, or soil application, De-silting Basin (must treat all site runoff), Energy Dissipater and Outlet Protection
- ❖ Methods for Preventing Off-Site Tracking of Sediment: Stabilized Construction Entrance, Construction Road Stabilization, Entrance/Exit Tire Wash, Entrance/Exit Inspection and Cleaning Facility; and
- ❖ General Site Management BMPs for On-Site Waste: Materials Management (Material Delivery and Storage), Waste Management (Concrete Waste Management), Solid Waste Management, Sanitary Waste Management, and Hazardous Waste Management.

3.2.2 Seasonal Site Management Requirements

Construction sites are required to implement minimum construction BMPs to prevent pollution discharges to the MEP regardless of the season. However, the City also maintains requirements for erosion and sediment control BMPs that are additional for the wet season (October 1st – April 30th). These requirements include:

- ❖ If necessary, upgraded perimeter protection for pending storms
- ❖ Erosion prevention BMPs must be installed, maintained, repaired, improved or replaced to the MEP and as is safe
- ❖ Amount of exposed soil shall not exceed seventeen acres, exceptions must be approved by the City Engineer
- ❖ Any incomplete disturbed area not being actively graded must be fully protected if left inactive for 10 or more days

Prior to the beginning of the wet season, the City sends a letter to the owners of all active construction sites explaining the wet weather BMP requirements and reminding them of the standard minimum requirements.

3.3 Program Implementation

The City ensures that BMPs are implemented to the standards described in Section 3.2 through several inter-related activities including permit issuance, project approval, field inspection, and public outreach.

3.3.1 Construction and Grading Approval Process

The City has an established and thorough interdepartmental review and approval process for local construction and grading permits. When a construction project comes to the City for approval, it is required to obtain a building permit, a grading permit, or both. A grading permit is required prior to any activity where the total volume of material disturbed, stored, disposed, or used as fill exceeds 50 cubic yards. All other projects require a building permit. Both permits require that plans be submitted and approved by the City. The City's grading ordinance

requires that all projects, whether subject to a grading plan or not, are required to minimize site runoff, erosion, and sedimentation. In addition, all projects requiring a grading permit are required to prepare an erosion and sediment control plan. All permits that go through the City's review and approval process are tracked within a City wide data management system called HdL.

The grading permit outlines the regulatory (Federal, State, and City) conditions for new construction. The grading permit requires that grading plans be prepared, reviewed, approved, and signed by the City Engineer. As part of this approval process, the City's water quality staff also reviews the grading plans to ensure compliance with applicable construction specific regulations.

The grading plan approval process consists of a series of plan checks, revisions, and final approvals. Plans are checked by planning, engineering, water quality, and sanitation. Engineering staff reviews the plans for overall compliance with the grading ordinance. Planning checks to verify the plans are consistent with any previously approved discretionary plans and to verify landscaping, if applicable. Sanitation checks for the location of any sewer laterals and ensures that all tie-ins are legal and properly located. Water quality staff checks the plans for specific compliance with the stormwater section of the Municipal Code, the Permit, the local SUSMP, and any other applicable State or Federal regulations. If the site falls under the jurisdiction of the State's General Construction Permit, staff follows up with the developer to ensure that a SWPPP is properly prepared and submitted. In addition, the SWPPP is reviewed and approved as part of the normal approval process and must be complete before the grading permit is issued to the applicant. The City also requires proof that a Notice of Intent (NOI) has been submitted for sites that are subject to the General Construction Permit.

Prior to issuing building and grading permits, staff verifies that the proposed construction project plans to implement all applicable required BMPs to reduce pollutant discharges to the MEP.

3.3.2 BMP Implementation

Water quality staff spends a significant amount of time coordinating storm water management and BMP implementation at construction sites with the help of the Engineering Department and the City Inspector.

Staff constantly monitors weather patterns and storms in the Pacific through the National Weather Service. Weather reports and forecasts are emailed to all applicable inspectors to inform them of the possibility of incoming rain. This e-mail reminds them to verify BMP compliance at all active construction sites. If the forecast exceeds 40% over the coming five day period, letters are sent to site owners and inspectors check for any additional, applicable BMPs at each of the active sites and any inactive sites with exposed soil. The upkeep of these BMPs is monitored daily while the rain lasts.

Staff approved only no projects with SWPPPs during this reporting period:

Other project reviews completed by staff as part of the permitting process are addressed in more detail in Section 2.0, Development Planning.

Through the review and plan check process, staff may require additional or alternative BMPs to be implemented on individual projects. This allows the stormwater program to ensure that the proper sediment control, erosion control, and materials management BMPs are shown on the plans and are to be implemented on-site. Any changes to on-site construction BMPs require the approval of the City Inspector and are tracked as red line changes on the construction site drawings.

3.3.3 Construction Sites Requiring Advanced Treatment

There were no sites in FY 2009-10 that required advanced treatment. For the majority of the construction sites with the City's jurisdiction, the minimum required BMPs, if correctly installed and maintained, adequately control sediment discharges from the site. If it is determined that a project site possesses characteristics that could result in standard construction BMPs being ineffective in the treatment of sediment, resulting in an exceptional Threat to Water Quality (TTWQ), advanced treatment will be required. Standard criteria for determining projects that pose an exceptional TTWQ and a description of advanced treatment methods are included in the City's Municipal Code and in the new local Model SUSMP.

3.3.4 Inspections and BMP Verification

The City has an established inspection program to evaluate compliance with stormwater regulations at all construction sites within the City's jurisdiction. The City Inspector is responsible for inspections at all construction sites in the City. Stormwater issues, such as compliance with the grading and stormwater ordinances, are a main focus, especially during the rainy season. It is quite common for water quality staff to also assist in regular inspections and for building inspectors to notify City staff if a violation is observed or if compliance is questionable.

Due to the small number of active sites in the City during any given reporting period, the City inspects all active construction sites regardless of priority and extra attention is paid to any site with a higher threat to water quality during the rainy season. All sites are formally inspected monthly at a minimum and often receive informal inspections on an almost weekly basis.

The City Inspector tracks all inspection notes in a tracking database for future reference and enforcement actions if applicable. This database is updated after each inspection performed, so on a monthly basis at a minimum.

3.3.5 Compliance and Enforcement Actions

3.3.5.1 General Compliance

The City is responsible for enforcement of local ordinances and applicable local permits at all construction sites in its jurisdiction. Enforcement for construction projects is administered by the City Inspector and other applicable City staff, such as Code Enforcement.

The City typically employs a tiered, escalating enforcement system which includes verbal warnings and education, written warnings, and administrative citations. However, the City reserves the right to determine the most appropriate enforcement course for a given situation, as dictated by the specifics of each case. For example, a stricter initial enforcement measure may be applied where significant noncompliance is noted or when a potential rain event increases the potential for the violation to have a negative impact on water quality.

Verbal warnings and education will typically be the initial enforcement methods employed, assuming that a) the site or individual does not have a history of non-compliance with storm water regulations, and b) there has not been an observed illegal discharge to the MS4. The inspector will educate the violator on what actions need to be taken to prevent a violation from occurring or to correct the violation and document the violation and verbal warning in the inspection file. A time frame will be given for an identified violation to be corrected and a follow-up inspection date will be scheduled, which will also be documented.

A written warning is typically issued to violators that are already aware of the City's stormwater regulations or to those who have not corrected their actions after being given a verbal warning. Written warnings can be given using a variety of methods, including the issuance of a Notice of Violation (NOV) or Stop Work Notice. The NOV will provide a description of the violation to be corrected, the time frame for correction, and a follow-up inspection date. All Stop Work Notices issued by the City for construction sites are reported to the RWQCB per the reporting requirements of the Permit.

Civil penalties for violations of the Municipal Code are established in Section 1.24 of the Municipal Code. Determined violations of the stormwater regulations may be subject to administrative citations and associated administrative fines.

Administrative citations and fines are used in addition to other legal remedies as described in the paragraphs above.

All inspection personnel have the authority to take immediate enforcement actions when necessary. This facilitates timely correction of inadequate BMP implementation, reducing the risk of pollutants discharging from the site. City inspectors conduct follow-up inspections to determine if corrective actions have been taken to comply with City ordinances and minimum BMP requirements. The time frame for a violator to correct a documented violation is determined on a case-by-case basis at the discretion of the inspector and the severity of the violation.

3.3.5.2 Reporting and Non-Compliance

During the FY 2009-10, approximately six known complaints were received through the City's hotline and other phone lines pertaining to construction sites. All calls were investigated the day of the call; the majority of the complaints were unwarranted and not related to stormwater. Any violations that were discovered were corrected within 24 working hours of verbal notification to the site manager. The site was inspected by the Regional Board during this reporting period and only minimal corrections were required and all were completed within 24 hours of notification.